

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
DENNIS M. CAVANAUGH
JUDGE**

**UNITED STATES POST OFFICE
AND COURTHOUSE BUILDING
NEWARK, NJ 07101
Room No. 451
(973) 645-3574**

NOT FOR PUBLICATION

November 29, 2005

THE ORIGINAL OF THIS LETTER ORDER
IS ON FILE WITH THE CLERK OF THE COURT

Mitchell L. Goldstein, Esq.
Lentz & Gengaro
443 Northfield Avenue
West Orange, NJ 07052

Edward J. DePascale, Esq.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mount Kemble Avenue
P.O. Box 2075
Morristown, NJ 07962

Linda B. Katz, Esq.
Sills Cummins Epstein and Gross PC
One Riverfront Plaza
Newark, NJ 07102

Domenick Carmagnola, Esq.
Carmagnola & Ritardi
60 Washington Street
Morristown, NJ 07960

RE: Yousseff Elmorsy, et al, v. Gobin Ramanand, et al.
Civil Action No. 04-2659 (DMC)

Dear Counsel:

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Mark Falk, filed on November 9, 2005, whereby Judge Falk recommended the

dismissal with prejudice of Plaintiff Yousseff Elmorsy's ("Plaintiff") Complaint for failure to provide discovery and failure to prosecute. Oral argument was heard on October 6, 2005. For the reasons set forth below, the Report and Recommendation of Judge Falk to dismiss Plaintiff's Complaint is **adopted** and **affirmed**.

DISCUSSION

Pursuant to 28 U.S.C. § 636(b)(1)(B), a magistrate judge may submit to a district court proposed findings of fact and recommendations concerning dispositive matters. The United States Supreme Court has held that "[w]here a Magistrate makes a finding or ruling on a motion or an issue, his determination should become that of the district court unless specific objection is filed within a reasonable time." Thomas v. Arn, 474 U.S. 140, 150-51 (1985). Section 636(b)(1) and Local Civil Rule 72.1(c)(2) prescribe a ten day period during which a party may object to a Magistrate Judge's report and recommendation. A District Court Judge may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. See 28 U.S.C. § 636(b)(1)(C); L. CIV. R. 72.1(c)(2).

Judge Falk's Report and Recommendation that Plaintiff's Complaint be dismissed was filed on November 9, 2005. No opposition was submitted. This Court has reviewed this matter and wholeheartedly agrees with Judge Falk's well reasoned Report and Recommendation, finding that it is neither contrary to law nor clearly erroneous. Therefore, this Court adopts without hesitation or modification Judge Falk's Report and Recommendation in its entirety.

CONCLUSION

Based on the foregoing, Judge Falk's Report and Recommendation that Plaintiff's Complaint be dismissed with prejudice is hereby **adopted** and **affirmed**. Plaintiff's Complaint is

hereby **dismissed with prejudice**, and the case **closed**.

SO ORDERED.



DENNIS M. CAVANAUGH, U.S.D.J.

Original: Clerk
Copies: Hon. Mark Falk, U.S.M.J.
All counsel of record
File